

408 T. D. 133741
JIT 1, 1970

COMMONWEALTH OF PENNSYLVANIA
ex rel. FRED SPEAKER
ATTORNEY GENERAL,
Plaintiff

v.

WILLIAM DICK, and
CHEMICAL LEAMAN TANK LINES, INC.
Defendants

IN THE COURT OF COMMON PLEAS
DAUPHIN COUNTY, PENNSYLVANIA
CIVIL ACTION - EQUITY

NO. 301 Equity Docket

NO. 3 v 5 C.D. 1970

INJUNCTION

DAUPHIN
COUNTY

COMPLAINT IN EQUITY

1. The plaintiff is the Commonwealth of Pennsylvania which brings this action on the relation of the Attorney General and at the instance of the Pennsylvania Department of Health, pursuant to the Act of June 22, 1937, P.L. 1987, as amended, 35 P.S., Sec. 691.1, et seq.

2. The defendant, William Dick (defendant Dick), is an adult individual whose address is P. O. Box 67, Downingtown, Pennsylvania, 19335.

3. The defendant, Chemical Leaman Tank Lines, Inc. (defendant Leaman), is a Pennsylvania Corporation with an office at 506 East Lancaster Pike, Downingtown, Pennsylvania, 19335, and a place of business at 141 Wallace Avenue, Downingtown, Pennsylvania, 19335.

4. The defendant Dick is the owner of a tract of land (premises) situated along Telegraph Road, West Caln Township, Chester County, Pennsylvania.

5. The premises contain three large earthen lagoons containing waste water resulting from the washing of chemical tank trucks.

6. The contents of the lagoons were placed there by defendant Leaman from 1962 to 1970 pursuant to an agreement with defendant Dick.

7. The lagoons are constructed and situated in such a manner that there has been and will continue to be a discharge of the contents to the waters of the Commonwealth.

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8. The waters of the Commonwealth into which the contents have been and will be discharged are the underground waters in the vicinity of the lagoons and tributaries to the West Branch of Brandywine Creek.

9. The discharges consist of seepage through the bottom of the lagoons to the underground waters and overflows over or through the walls of the lagoons to the surface waters.

10. The discharges of the contents to the waters of the Commonwealth have resulted and will continue to result in pollution of the same.

11. Neither the Sanitary Water Board nor the Pennsylvania Department of Health has issued a permit or promulgated a rule or regulation authorizing the construction or use of these lagoons or the discharge of the contents to the waters of the Commonwealth.

12. Plaintiff has no adequate remedy at law and suffers immediate and irreparable loss and damage by defendants' actions.

WHEREFORE, plaintiff requests that the Court issue an order, preliminary until hearing and perpetual thereafter:

1. Enjoining and restraining defendants, their agents, employees, lessees, successors and assigns, from:
 - (a) Discharging or permitting the discharge of industrial wastes or other substances to the waters of the Commonwealth except under, and pursuant to, a permit issued by the Pennsylvania Department of Health.
 - (b) Discharging, handling or storing industrial wastes or other substances in such a manner as to cause pollution or create a danger of pollution of the waters of the Commonwealth.
 - (c) Storing industrial wastes or polluting substances in any lagoon which does not contain an impermeable lining acceptable to the Pennsylvania Department of Health.

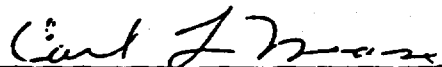
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2. Directing defendants, their agents and employees, immediately to remove and dispose of the contents of the lagoons and destroy the lagoons in a manner acceptable to the Pennsylvania Department of Health.

3. Granting such other relief as it may deem proper.



William M. Gross
Assistant Attorney General



Carl L. Mease
Assistant Attorney General



Fred Speaker
Attorney General

FOR THE COMMONWEALTH

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